

**DRAFT 10-29-13.2**

**WYOMING GAME AND FISH COMMISSION**

**CHAPTER 56**

**REGULATION GOVERNING LETHAL TAKING OF WILDLIFE**

**Section 1. Authority.** This regulation is promulgated by authority of W.S. §23-1-302(a)(viii) and (xxii).

~~**Section 2. Regulation.** The Wyoming Game and Fish Commission hereby adopts the following regulation authorizing the Chief Game Warden or his designee to take any wildlife in Wyoming when in the judgment of the Chief Game Warden or his designee the taking is necessary or when the big or trophy game animals or game birds are doing substantial damage to property. This regulation shall remain in effect until modified or rescinded by the Commission.~~

~~**Section 3. Purpose.** It is the purpose of this regulation to provide the Chief Game Warden or his designee the flexibility to address the need to take wildlife when the taking is necessary or when big or trophy game animals or game birds are doing substantial damage to property. It is not the purpose of this regulation to direct the Chief Game Warden or his designee to take wildlife classified in Title 23 Wyoming Statutes as predatory animals or predacious birds when such animals or birds are doing damage to property.~~

**Section 42. Definitions.** ~~For the purpose of this regulation, definitions~~ **Definitions** shall be as set forth in Title 23, **Wyoming Statutes, Commission regulations,** and the Commission also adopts the following definitions:

(a) “Designee” means an employee of the Wyoming Game and Fish Department who has been granted authorization in writing by the Chief Game Warden to take wildlife under the terms of this regulation; designee also means any non-department individual, including, but not limited to a peace officer as allowed under W.S. §11-24-108(g), who has been granted authorization by a Department employee to take specific wildlife on a case by case basis.

(b) “Necessary” means for the purposes listed in Section 5 of this regulation.

(c) “Substantial damage” means damage, as calculated and compensable pursuant to W.S. §23-1-901, and for which the Chief Game Warden determines that the most effective means of alleviating the damage is to take the offending big or trophy game animals or game birds.

(d) “Take” means kill.

(e) “Wildlife” means every wild mammal, bird, fish, amphibian, reptile, mollusk, crustacean, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid (including hybrids between wildlife and wildlife and hybrids between wildlife and domestic or domesticated animals) or any transgenic product thereof.

**Section 53. When the Taking is Necessary.** The taking of wildlife is authorized when a determination is made by Department personnel that the taking is necessary because:

(a) There exists a threat to human life, health, or safety.

(b) Wildlife has sustained an injury or contracted a disease or parasite which is life threatening to the individual animal or the wildlife population.

(c) Authorized Department management or wildlife depredation prevention activities require such action.

(d) Authorized research, scientific studies or education require such action.

(e) Wildlife has been physiologically distressed due to causes such as starvation, dehydration, hypothermia, or exhaustion and the condition is life threatening.

(f) Damage is being done to private property by the wildlife listed in W.S. §23-3-114 and §23-3-115; and the wildlife may be taken if the landowner, lessee of state lands or employee of the landowner requests assistance or the Department determines the same wildlife are creating similar problems on public land.

(g) A law enforcement investigation, which has been approved in advance by the Chief Game Warden, requires such action by a law enforcement officer participating in the investigation.

(h) Live wildlife has been seized as evidence or has been captured for research and it is believed the wildlife could not survive if returned to the wild or would be a threat to other wildlife.

(i) Harvest of wildlife is necessary to meet Department management objectives, but it is not practical to utilize licensed hunters due to Department concerns for public safety or damage to property.

(j) Reduction of wildlife numbers will assist other wildlife populations to meet management objectives.

(k) Wildlife has been imported into Wyoming or exists in Wyoming in conflict with State statute or Commission regulations, constitutes a threat to Wyoming's wildlife resource, or to protect Wyoming's wildlife resource from disease or hybridization.

**Section 64. When there is Substantial Damage to Property.**

(a) Big game animals or game birds may be taken when big game animals or game birds are damaging land, growing cultivated crops, stored crops, seed crops, improvements or causing extraordinary damage to grass, and the Department believes that reasonable measures which have been taken to mitigate the damage have been unsuccessful. The Chief Game Warden is authorized to cause the taking of and disposition of big game animals or game birds, as are doing damage to property, in such numbers as are deemed necessary to relieve the damage; provided that the Commission member in the District concerned is consulted and consents to such taking.

(b) Trophy game animals may be taken when damaging or injuring livestock, bees or honey and hives, and the Department believes that reasonable measures which have been taken to mitigate the damage have been unsuccessful.

**Section 75. Taking Wildlife.** The Chief Game Warden or his designee may take wildlife under this regulation without regard to other Commission regulations or restrictions found in Title 23, such as, but not limited to license requirements, firearm or weapon limitations, seasons, shooting hours, or bag limits, which could limit the ability of the Chief Game Warden or his designee in carrying out the intent of this regulation.

**Section 86. Reporting.** The person designated on a Commission Regulation Chapter 56 Permit document as the permittee, regardless of any other names on the permit, shall submit a written report to Headquarters, attention Permitting Officer. The report shall contain a record of the number of each species of wildlife taken and any other information as required by the Department. Reports shall be due on or before January 31 following the year for which the permit was valid.

~~Section 9. Disposition of Wildlife.~~ Any wildlife taken under authority of this regulation may be sold or otherwise disposed of by the Department.

~~Section 10. Violation of Regulation.~~ Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming statutes for violations of Commission regulations. Conviction for violation of this regulation or failure on the part of the permit applicant or holder to comply fully with this regulation may result in immediate revocation of said permit and refusal to issue any future permits.

~~Section 11. Savings Clause.~~ If any provision of these regulations is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of these regulations which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of the regulations are severable.

WYOMING GAME AND FISH COMMISSION

By: \_\_\_\_\_  
Bill Williams, DVM Mike Healy, President

Date: ~~September 7, 2007~~ January 22, 2014